

Statutory Bodies Financial Arrangements and Other Legislation (Cross River Rail) Amendment Regulation 2017

Explanatory notes for SL 2017 No. 55

made under the

Statutory Bodies Financial Arrangements Act 1982
Sustainable Planning Act 2009

General Outline

Short title

*Statutory Bodies Financial Arrangements and Other Legislation (Cross River Rail)
Amendment Regulation 2017.*

Authorising law

Section 78 of the *Statutory Bodies Financial Arrangements Act 1982* and section 232 of the *Sustainable Planning Act 2009*.

Policy objectives and the reasons for them

The *Cross River Rail Delivery Authority Act 2016* (CRRDA Act) was passed by Parliament on 2 December 2016 and given royal assent on 9 December 2016. The CRRDA Act establishes the Cross River Rail Delivery Authority (the Authority) as a new independent statutory body to:

- plan, carry out, promote, or coordinate activities to facilitate economic development, and development for community purposes, in a Cross River Rail priority development area; and
- to facilitate the efficient delivery of the Cross River Rail project and any prescribed transport-related projects.

The amendments contained in the *Statutory Bodies Financial Arrangements and Other Legislation (Cross River Rail) Amendment Regulation 2017* (the Amendment Regulation) are consequential to the provisions of the CRRDA Act and required to be made to coincide with the commencement of the CRRDA Act.

The amendments to the *Statutory Bodies Financial Arrangements Regulation 2007* in this Amendment Regulation are designed to recognise the Cross River Rail Delivery Authority (the Delivery Authority) as a statutory body in Queensland with similar commercial functions as other established statutory bodies (e.g. Queensland Rail).

Amendments to the *Sustainable Planning Regulation 2009* in this Amendment Regulation are required to ensure existing planning mechanisms are consistent and support the objectives of the Delivery Authority and its associated projects. The government's intention to make these amendments was outlined in the Explanatory Notes to the CRRDA Bill. These amendments exempt the rail infrastructure component of the Cross River Rail project from the heritage trigger in the *Sustainable Planning Regulation 2009* and update an existing reference to the Cross River Rail project to be consistent with the definition in the CRRDA Act.

Achievement of policy objectives

The regulation achieves the policy objectives by amending the *Statutory Bodies Financial Arrangements Regulation 2007* and the *Sustainable Planning Regulation 2009* to ensure that the Authority has the necessary financial delegations to operate effectively as a statutory body in Queensland and that the rail infrastructure component of the Cross River Rail project is referenced consistently in the planning legislation, and does not require a development approval for its impacts on heritage sites.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the main purposes of the *Statutory Bodies Financial Arrangements Act 1992* which is to provide for the efficient and effective management of the powers of statutory bodies to enter into financial arrangements.

The Amendment Regulation is consistent with the main purposes of the *Sustainable Planning Act 2009* which is to seek to achieve ecological sustainability by – managing the process by which development takes place, including ensuring the process is accountable, effective and efficient and delivers sustainable outcomes; and managing the effects of development on the environment, including managing the use of premises; and continuing the coordination and integration of planning at the local, regional and State levels.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The Amendment Regulation simply makes consequential amendments from the provisions of the CRRDA Act. The benefits and costs of implementation of the CRRDA Act can be found in the explanatory notes to the Cross River Rail Delivery Authority Bill 2016.

Consistency with fundamental legislative principles

The proclamation is consistent with the fundamental legislative principles, as defined in the *Legislative Standards Act 1992*.

Consultation

Consultation was carried out during the drafting of the CRRDA Act to which this Amendment Regulation relates.

No additional consultation was undertaken in relation to the Amendment Regulation as it is consequential to the CRRDA Act.

Notes on Provisions

Part 1 Preliminary

Short title

Section 1 states the short title of the Regulation.

Commencement

Section 2 commences the Regulation to coincide with the commencement of the Act. The Act will commence by proclamation on 14 April 2017.

Part 2 Amendment of Statutory Bodies Financial Arrangements Regulation 2007

Regulation amended

Section 3 states that part 2 of the Amendment Regulation amends the *Statutory Bodies Financial Arrangements Regulation 2007*.

Amendment of sch 2 (Statutory bodies that may borrow under part 5 of the Act)

Section 4 amends schedule 2 of the *Statutory Bodies Financial Arrangements Regulation 2007* to add the Authority to the statutory bodies that may borrow under part 5 of the *Statutory Bodies Financial Arrangements Act 1982*. This makes the Authority's powers equivalent to those held by the Minister for Economic Development Queensland.

Amendment of sch 5 (Statutory bodies allocated category 3 investment power)

Section 5 amends schedule 5 of the *Statutory Bodies Financial Arrangements Regulation 2007* to add the Authority to the statutory bodies allocated category 3 investment power. This makes the Authority's powers equivalent to those held by the Minister for Economic Development Queensland.

Amendment of sch 8 (Statutory bodies that may enter into derivative transactions)

Section 6 amends schedule 8 of the *Statutory Bodies Financial Arrangements Regulation 2007* to add the Authority to the statutory bodies that may enter into derivative transactions. This is necessary because of the Authority's commercial functions (i.e. similar to Queensland Rail).

Part 3 Amendment of Sustainable Planning Regulation 2009

Regulation amended

Section 7 states that part 3 of the Amendment Regulation amends the *Sustainable Planning Regulation 2009*.

Amendment of sch 3 (Assessable development, self-assessable development and type of assessment)

Section 8 amends schedule 3 of the *Sustainable Planning Regulation 2009* so that the Cross River Rail project is excluded from the trigger for assessable development in the *Sustainable Planning Act 2009* planning process which relates to development on a Queensland heritage place. The need for this amendment was mentioned in the Explanatory Notes to the Cross River Rail Delivery Authority Bill 2016 (clause 69).

Amendment of sch 4 (Development that cannot be declared to be development of a particular type—Act, section 232(2))

Section 9 amends schedule 4 of the *Sustainable Planning Regulation 2009* to update the reference to the Cross River Rail project to be consistent with the definition in section 6(1) of the *Cross River Rail Delivery Authority Act 2016*.

Amendment of sch 26 (Dictionary)

Section 10 inserts a new definition of Cross River Rail project into the Dictionary to the *Sustainable Planning Regulation 2009*. This definition is used in the amendments to schedules 3 and 4 made by this Amendment Regulation. The definition is consistent with the definition in section 6(1) of the *Cross River Rail Delivery Authority Act 2016*.